

## **Questions about Hellmann Transactional Data**

Hellmann produced transactional data in June 2014 in the form of five Excel spreadsheet files. In February 2015 Hellmann produced a new set of transactional data files in three Excel spreadsheets. One of the three spreadsheets appears to be US Imports, another appears to be US Exports, and the third, named “HK,” appears to be exports from Hong Kong to the U.S. Can you confirm that this assessment is accurate?

1. The second production of spreadsheets had columns with headings “BL No.” and “AWB No.” For two of the files (US Import and HK), only a small fraction of identifiers are missing. But for the US Export file, there are a large number (about 29% of the data) with no identifiers. Plaintiffs need complete identifiers to be able to determine whether the entries are discrete transactions, or whether (and to what extent) they may be duplicative.

2. Our check of the new US Import and US Export files, using the AWB and BL numbers from both, found about 14,000 duplicates. How can a shipment appear in both in both an export and an import file? Are the identifiers not unique to each shipment?

3. There are two date columns in the month/day/year format, one labeled ETD and the other Date of Issue. Although entries are sometimes missing from the ETD column, there is always an entry in the Date of Issue column. What is the distinction between these 2 columns?

4. When Hellmann provided data the first time, it provided a file that had shipments from the United Kingdom (UK), and which therefore evidenced the NES surcharges.<sup>1</sup> In the second data production, that file was not updated. Nor

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<sup>1</sup> “Surcharges” as used herein and their abbreviations include 2002 New Export System (“NES”), 2005 Chinese Currency Adjustment Factor (“CAF”), 2005-07 Peak Season Surcharge (“PSS”), 2004 U.S. Customs Automated Manifest System (Air AMS”), Ocean AMS Charge (“Ocean AMS”), and global conspiracy.

Please confirm that “BAF” refers to ocean fuel surcharge, and that “FSC” refers to air fuel surcharge.

was any information regarding NES charges found in any of the other files comprising the second production (*e.g.*, the US Import file). Shouldn't that file have been updated in the second production?

5. A random check of the US Imports file against the Hong Kong exports to US file indicated that in some instances, for the same BL/AWB numbers (*e.g.*, BL\_Nos BOMHKGGA02877 and CANBOS603308) and the same date, the freight amount and surcharges taken from the two different data fields do not match, even after accounting for currency differences. How can this inconsistency be explained?

6. The starting dates for the three files differ: HK begins in October 2001, US Exports begins in June 2002, and US Imports begins in July 2003. Are these data complete? Why do they not begin on the same month?

7. Do the spreadsheets reflect all surcharges and fees from inception to the customer's invoice and the customer's payment for the period January 1, 2001 through January 4, 2011?

8. Do the spreadsheets reflect which Hellmann US customers paid surcharges and which did not for the period January 1, 2001 through January 4, 2011? If yes, in what manner can this information be extracted or determined from the transactional data?

9. Do the spreadsheets contain data sufficient to determine the total price paid by the customer on a shipment? If so, please explain how the total price paid by a customer can be determined.

10. Do the data fields provide information as to what the customer paid for each surcharge? If so, where are those data reflected in the spreadsheets?

11. Please confirm that the spreadsheets contain total shipment price data, *i.e.*, Hellmann's price to the customer, inclusive of surcharges. Does the SINVS Freight column indicate the total price, inclusive of any surcharges, or is the total price to the customer derived by adding together all of the entries in the SINVS columns? Also, please confirm that Hellmann has produced its net price data, *i.e.*,

its price to the customer prior to the addition of surcharges. Specifically, for each shipment, what columns reflect the components of price, in particular the surcharges at issue in this case, such that when added together the sum reflect the total price.

12. What do “SINVS” and “non-SINVS” signify? What is the relationship between the SINVS and non-SINVS entries?

13. For the US Import data, only about 55% of the data entries have an entry for FREIGHT or SINVS FREIGHT. It’s even lower in HK (25% for FREIGHT, 45% for SINVS FREIGHT) and US Export files (26% for FREIGHT, 38% for SINVS FREIGHT). Are these data complete without these entries?

14. The incidence of other surcharges appears to be small. For example, in the US Import file, only about 8% of shipments show an AMS surcharge; only about 6.3% of shipments have an FSC charge. Are these data complete?

15. Regarding the AMS surcharge relating to Air or Ocean, there is a column for *Air* Gross Weight and a column for just Gross Weight. Generally, when there is an entry for one, the other is blank and vice-versa. We believe that this enables us to tell when the shipment is via air (when the *Air* Gross Weight field is populated) and when the shipment is via ocean (when the *Air* Gross Weight column is not populated). Is this correct?

16. Do the data fields provide information as to who (shipper, consignee, other) paid for the shipment? Are there instances where multiple parties each paid a portion? Where a customer paid only a portion of the shipment? Where are these data reflected in the spreadsheets?

17. Do the data fields provide information as to instances where the carrier (air or ocean) has billed Hellmann for a surcharge which appears as a separate line item, and the freight forwarder, in turn, charges the customer for this item as a separate line item? If so, where are these data reflected in the spreadsheets?

18. Do the data fields provide information as to instances where Hellmann imposes a surcharge on its customer where Hellmann has not been billed for that charge by a third party? Do the data fields provide information as to what costs

were incurred by Hellmann in respect of each surcharge? If so, where are these data reflected in the spreadsheets?

19. Do the data fields provide information as to the cost incurred by Hellmann for each surcharge, whether the surcharge was incurred through a third party or internally by Hellmann? Where are these data reflected in the spreadsheets?

20. We understand that the weight entries in the spreadsheets indicate the chargeable, not actual weight, of the shipments. Is that correct? Were all shipments priced to customers on the basis of chargeable weight? Does Hellmann maintain data about both categories of shipment weight?

21. The database has four columns that relate to currency. Three of the columns refer to the “base,” “doc” and “freight” currencies, and have, as an entry, a country code. Another column gives an exchange rate. However, it is not clear how the exchange rate work in conjunction with the other fields. Which of the three columns (base, doc or freight curr) does the exchange rate apply to? Which of the three columns describes the currency for which the monetary charges are denominated?

22. Is the data contained in the spreadsheets taken from the Hellogic platform?